

LEWIS COUNTY SUPERIOR COURT
LOCAL RULES

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LAR 1. Presiding Judge.

1.1 Election. Pursuant to General Rule 29(a)(1), Rules of Court (GR 29(a)(1)) the elected Superior Court Judges shall elect a Presiding Judge and an Assistant Presiding Judge by majority vote at a meeting of the Judges to be held in October December of odd numbered years.
Comment: the idea is to give some lead time for scheduling and transition.

1.2 Term. The terms of the Presiding Judge and Assistant Presiding Judge shall be for two years beginning January 1 of the even numbered year after their election.

1.3 Vacancy. A vacancy in the office of the Presiding Judge shall be filled by the then Assistant Presiding Judge. A vacancy in the office of Assistant Presiding Judge shall be filled by majority vote of the elected Superior Court Judges at the first meeting of Judges to be held after the vacancy is known to exist. Judges filling vacancies shall serve until January 1 of the next even numbered year.

1.4 Duties and Responsibilities. The duties of the Presiding Judge and Assistant Presiding Judge shall be as provided in GR 29. Unless otherwise provided herein, GR 29 shall apply.

Comment: With this change the rest of 1.4 and all of 1.5 and 1.6 could be deleted.

The Presiding Judge shall supervise the judicial business of the Court as authorized and directed in GR29(e)(f) and (h). The Assistant Presiding Judge shall serve as Acting Presiding Judge during the absence of or upon request of the Presiding Judge, and shall perform such further duties as the Presiding Judge or the majority of the elected Judges shall direct.

1.5 Qualifications. Selection of a Presiding Judge

should be based on the Judge's (1) management and administrative ability, (2) interest in serving in the position, (3) experience and familiarity with a variety of trial court assignments, and (4) ability to motivate and educate other Judicial Officers and court personnel. The Presiding Judge shall have at least four years of experience as a Judge, unless this requirement is waived by a majority vote of the elected Judges of the Court.

1.6 Removal. The Presiding Judge may be removed by a majority vote of the elected Judges of the Superior Court.

1.7 Interim Term. Since the effective date of GR 29 is April 30, 2002, the Presiding Judge and the Acting Presiding Judge shall be elected by majority vote of the Judges of the Lewis County Superior Court upon adoption of this Rule and shall serve in the interim until January 1, 2004.

LCR NO. 1

COURT COMMISSIONER HEARING ADULT FELONY MATTERS

Court Commissioners appointed and qualified under Article 4, Section 23 of the Washington State Constitution are authorized to preside over, and consider all matter in adult felony proceedings as specified under RCW 2.24.040(15) including accepting pleas in all cases.

(effective September 1, 2001)

LCR NO. 2

MOTIONS FOR REVISION OF COMMISSIONER RULINGS

A party filing a motion for revision of a ruling of a Court Commissioner shall note the motion for argument before the presiding judge such that, within 30 days of filing, the matter shall be considered and determined. Absent extraordinary circumstances, any motion for revision not heard within 30 days of filing shall be considered abandoned, stricken by the court and the commissioner's ruling affirmed.

(effective September 1, 2001)

LCR NO. 3
DOCKETING AND CONFIRMING CIVIL MOTIONS

A. MOTION DOCKETS

Motions to be argued shall be heard on the respective dockets as set forth in this rule. In the event any day scheduled for a motion docket is a legal holiday or a date when the court is unavailable for any reason, the date for such docket shall be as scheduled by the Court Administrator. Any motions pertaining to cases assigned to a specific judge shall be heard by that judge and such motion hearings shall be scheduled through the Court Administrator, unless such judge is the Motion Judge, in which event the motions shall be heard on the civil motion docket.

1. The civil motion docket shall be held on Friday. All civil motions (other than family law) and motions for revision shall be heard on the civil docket.
2. The family law docket, other than paternity, modification of final child support orders and contempt of final child support order cases, shall be heard on Friday.
3. The paternity and child support modification dockets shall be heard on Wednesday.
4. The schedule for motion dockets and trial assignments shall be as follows:

Friday	Motion Department
9:00 A.M.	Ex Parte, adoptions and other confidential matters
9:30 A.M.	Civil Motion Docket
Friday	Court Commissioner
8:30 A.M.	Pro Se Dissolutions
9:00 A.M.	Uncontested Dissolutions - parties represented by counsel
9:30 A.M.	Family Law Motion Docket
Friday	Court Administrator
9:00	Trial Assignments
Wednesday	Court Commissioner
9:00 A.M.	Modifications of Final Child Support Orders and Contempt of Final Child Support Orders
10:00 A.M.	Paternity Motions

5. All motions shall be confirmed for argument through the Clerk's Office by 12:00 noon two court days prior to the scheduled argument. Confirmations shall be made by calling the County Clerk at (360) 740-2704. Motions not confirmed will be stricken unless the parties and the Court agree otherwise.

(Adopted effective September 1, 2001. Amended effective September 1, 2005)

LCR NO. 5
SERVICE AND FILING OF MOTIONS AND RESPONSES

A. Filing and Scheduling of Motions.

Notwithstanding any provision of CR 6(d) to the contrary, a party filing any motion shall serve and file such motion no later than seven (7) court days prior to the date noted for argument on

the motion; e.g., by Wednesday 5:00 p.m. of the preceding week for a Friday docket; by Monday 5:00 p.m. of the preceding week for a Wednesday docket. Motions requiring a longer period of notice pursuant to court rule or statute shall be filed as required by the applicable court rule or statute.

All documents supporting the motion shall be filed and served with the motion.

Unless other arrangements are made with the Court Administrator, all motions shall be scheduled for the appropriate Wednesday or Friday Motion Docket and heard by the Motion Judge or by the Court Commissioner. Unless other arrangements are made with the Court Administrator, hearings on any motion shall not include live testimony and argument may be limited in time.

A notice of issue or note for the motion docket identifying the nature of the motion, names of the parties, the names of the attorneys if any, and the date and time for argument on the motion shall be filed and served with the motion. The provisions of GR 14 notwithstanding, a notice of issue or note for a motion docket should be printed on pink paper.

B. Response Documents

Any party opposing a motion, or any part thereof shall file all original responsive documents and serve copies upon all parties no later than 12:00 noon two court days prior to the scheduled date for argument on the motion; e.g., by noon Wednesday for a Friday docket; by noon Monday for a Wednesday docket.

C. Reply to Response Documents

All reply documents to the response documents as provided for in part B of this rule shall be filed and served on all parties no later than 12:00 noon one court day prior to the date set for argument on the motion, e.g., by noon Thursday for a Friday docket; by noon Tuesday for a Wednesday docket. No additional documents shall be filed or served after that date and time.

D. Bench Copies

Bench copies of all motions, memoranda, responses and or replies, and all documents supporting such motions, responses or replies shall be delivered to the Judge or Court Commissioner who is to consider the motion, on the day they are filed. The name of the Judge or Court Commissioner and the date of the hearing for the matter shall be designated on the bench copies.

E. Affidavits and Declarations.

Affidavits and declarations in support of or in opposition to any motion or part thereof shall be made only on personal knowledge, shall set forth only such facts as would be admissible in evidence, and shall show affirmatively that the affiant or declarant is competent to testify to the specific matters set forth therein. Argument, comment, and nonexpert opinion shall be excluded from affidavits and declarations.

F. Hearing on short notice.

All orders shortening time shall include a provision for a service deadline upon the other party or parties.

G. Terms

Terms and sanctions may be imposed for failure to comply with this rule, including the striking of any documents filed in violation this rule.

[Amended effective September 1, 2003]

LCR NO. 7

PLEADINGS ALLOWED; FORM OF MOTIONS

A. Motions and other papers

1. How Made

Reapplication for order. When an order has been applied for and refused in whole or in part (unless without prejudice), or has been granted conditionally and the condition has not been performed, the same application for an order shall not be presented to another Judge or Commissioner. If a subsequent application is made upon a different statement of facts or law, it shall be shown by affidavit or certified statement what application was made, when and to what Judge or Commissioner, what order or decision was made thereon; and what new facts or law are claimed to be shown.

Failure to comply with this requirement shall, at the request of an opposing party or counsel, result in any order thus obtained being set aside and terms assessed against the counsel or party obtaining the order.

2. Form

All motions and responses or replies thereto shall be in writing, shall be typewritten, or hand printed and shall be presented on paper 8-1/2 by 11 inches in size, on paper containing a vertical line of numbers at the left margin, and shall be double spaced. No pleadings shall be filed or presented which are hand written in cursive form, unless a typed or hand printed version of such pleading is attached to such pleading. The court shall not consider any hand written or cursive pleading without such a typed or hand printed version attached, for any purpose.

3. Required Provisions in Orders Mandating Personal Appearance

In all proceedings wherein an order is to be issued requiring or mandating the personal attendance of a person or a party in open court, the order shall include the following words in capital letters:

YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE AND PLACE STATED MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE

MATTER CAN BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant shall be issued in such cases for the apprehension of the cited person if such language has been omitted.

4. Failure to Appear

If the party noting a motion fails to appear for the scheduled hearing, and the opposing party appears, the motion shall be denied or stricken. If the moving party appears and the opposing party does not appear the requested relief shall be granted, if warranted. If neither the moving nor the responding party appears, the motion shall be stricken.

5. Motions For Reconsideration

A. Motions for reconsideration of rulings and all pleadings and documents in support thereof, must be filed and served on opposing counsel, or the opposing party, if unrepresented, and a copy delivered to the Judge or Commissioner making the ruling, within ten (10) days after entry of the judgment or order. Such pleadings shall set forth specific grounds for the reconsideration, and the arguments and authorities in support thereof.

B. The opposing party may, within ten (10) days after receipt of the motion, file and serve on the moving party, and the Judge or Commissioner making the ruling, pleadings and documents in opposition.

C. Each party shall prepare and include in the materials submitted, a proposed order sustaining their respective position on such motion.

D. Oral argument on a motion for reconsideration shall be scheduled only if so ordered by the Judge or Commissioner to whom the motion is submitted. In no case shall a motion for reconsideration be noted for hearing on the motion calendar unless ordered by the Judge or Commissioner to whom the matter has been submitted. Twenty days after a motion for reconsideration has been submitted and served upon the parties or their counsel as provided for in this rule, and no ruling has been made, either party may submit to the Judge or Commissioner a certification that the matter is ready for a ruling on the motion for reconsideration.

B. Filing of Documents

1. Filing: Case Numbers

Except in consolidated cases, no documents shall be filed with more than one case number, unless sufficient copies are simultaneously provided for each case. Where there are multiple case numbers and no copies provided, the clerk shall place the documents only in the first case number designated.

(effective September 1, 2001)

USE OF COLORED PAPER

Notwithstanding the provisions of GR14 to the contrary, Lewis County Superior Court authorizes and encourages the use of colored paper for the filing of the following notices in court files.

- A. Notice of issue or note for motion docket: Pink paper
- B. Notice of case setting of a trial, hearing or other court proceeding: Blue paper.

(effective September 1, 2001)

LRGAL 1.1

Guardian ad Litem Complaint Review Committee

There shall be a complaint review committee (hereinafter referred to as the "Committee"), consisting of a Superior Court Judge, as designated by the Presiding Judge, the Superior Court Administrator, and a representative of the Lewis County Bar Association designated by its President, to administer complaints about guardians ad litem involved in Title 11, 13 and 26 RCW.

[Adopted September 1, 2002]

LRGAL 1.2

Submission of Complaints

All complaints shall be in writing, signed by at least one individual with their address and phone number, and shall be submitted to the Superior Court Administrator.

[Adopted September 1, 2002]

LRGAL 1.3

Review of Complaint

Upon receipt of a written complaint, the Superior Court

Administrator shall convene the Complaint Review Committee with ten (10) business days to review the complaint. Upon review of the complaint, the Committee shall either:

- A. Make a finding that the complaint is with regard to a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances the Committee shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the guardian ad litem's report or testimony. In such cases the Committee and its members shall perform its role in such a manner as to assure that the trial judge or court commissioner remains uninformed as to the complaint; or
- B. Make a finding that the complaint has no merit on its face, and decline to review it and so inform the complaining party; or
- C. Make a finding that the complaint does appear to have merit and request a written response from the guardian ad litem within ten (10) business day, detailing the specific issues in the complaint to which the committee desires a response. The Committee shall provide the guardian ad litem with a copy of the original complaint. A guardian ad litem's failure to respond within the required ten (10) business days shall result in the immediate suspension of the guardian ad litem from all registries. In considering whether the complaint has merit, the Committee shall consider whether the complaint alleges the guardian ad litem has:
 - 1. Violated the Rules of Professional Conduct;
 - 2. Misrepresented his or her qualifications to serve as a guardian ad litem;
 - 3. Not met the annual training requirements set forth in the Registry requirements;
 - 4. Breached the confidentiality of the parties;
 - 5. Falsified information in a report to the Court or in testimony before the Court;
 - 6. Failed to report abuse of a child;
 - 7. Communicated with the a judge/commissioner ex-parte, except as allowed by (such as an emergency restraining order);
 - 8. Purported to represent the Court in a public form without prior approval of the Presiding Judge;
 - 9. Violated state or local laws, rules, or this policy in the person's capacity as guardian ad litem;
 - 10. Taken or failed to take any other action which would reasonably place the suitability of the person to serve as guardian ad litem in question;
 - 11. Failed to keep information confidential from non-parties or disclosed protected information to a party;

12. Intentionally lied or presented information in a false light to the Court, another party or a third party;
13. Failed to report abuse of a child as required by RCW 26.44;
14. Talked about a case for which the guardian ad litem was appointed to the media or public without the permission of all parties and/or the Court

[Adopted September 1, 2002]

LRGAL 1.4
Response and Findings

Upon receipt of a written response to a complaint from the guardian ad litem, the Complaint Review Committee shall, within ten (10) business days, make a finding s to each of the issues delineated in the Committee's written request to the guardian ad litem that based on the response, there is either no merit to the issue, or that there is merit to the issue. In any case where the Committee finds that there is merit to an issue, the Committee may conduct further investigation, including the examination of witnesses, documents, and such other evidence as the Committee may, in the exercise of their discretion chose to examine. The Committee may extend the time for entering findings of fact during such examination, provided however, that no such extension shall exceed thirty (30) days, beyond the date the Committee determines that there is merit to any issue.

[Adopted September 1, 2002]

LRGAL 1.5
Confidentiality

- A. A complaint shall be deemed confidential for all purposes unless the Committee has determined that it has merit under LCRGAL 1.3 C.
- B. Any record of complaints filed which are not deemed by the committee to have merit shall be confidential and shall not be disclosed except by court order.

[Adopted September 1, 2002]

LRGAL 1.6
Complaint Processing Time Standards

- A. Complaint shall be resolved within twenty five (25) days of the date of receipt of the written complaint if a case is pending.
- B. Complaints shall be resolved within sixty (60) days of the date or receipt of the written complaint if the complaint is filed subsequent to the conclusion of the case.
- C. The complaint and the guardian ad litem shall be notified in writing of the Committee's decision within ten (10) business days of the entry of the Committee's findings and decision being signed.
- D. Complaints filed under this rule must be filed within three(3) years from the date of the occurrence of the matters complained of. The Committee shall find complaints filed after this time not to have cause to proceed. This limitation applies to all complaints, whether filed during the pendency or after the conclusion of a case.

[Adopted September 1, 2002]

LRGAL 1.7
Sanctions

The Committee shall have the authority to issue a written admonishment, a written reprimand, refer the guardian ad litem to additional testing, recommend to the Presiding Judge that the Court, on it's own motion, remove the guardian ad litem from the instant case, or suspend or remove the guardian ad litem from the registry. In considering a response, the Committee shall take into consideration any prior complaints which resulted in an admonishment, reprimand, referral to training, removal of the guardian ad litem from a particular case, or suspension or removal from a registry. If a guardian ad litem is listed on more than one registry, at the discretion of the Committee, the suspension or removal may apply to each registry on which the guardian ad litem is listed. When a guardian ad litem is removed from a registry pursuant to the disposition of a grievance, the Court shall send notice of such removal to the Administrator of the Courts.

[Adopted September 1, 2002]

LRGAL 1.8
Request for Reconsideration by Guardian ad Litem

A guardian ad litem may, within five (5) business days of receipt of notification that he or she have been suspended

or removed from a registry, request a hearing to review the Committee's decision. The Presiding Judge shall designate a hearing officer, to preside over and conduct such review. The sole purpose of the review shall be to review the appropriateness of the suspension or removal from the registry. The hearing officer shall review the written record of the instant case and any prior complaints upon which the Committee relied and hear oral argument from the guardian ad litem and a representative of the Committee. Said hearing shall be conducted within twenty (20) days of receipt of a request for the hearing.

[Adopted September 1, 2002]

LRGAL 1.9
Maintaining Records of Grievances

The Superior Court Administrator shall maintain a record of grievances filed and of any sanctions issued pursuant to the grievance procedure.

[Adopted September 1, 2002]

LRGAL 2.1
GENERAL POLICY

Any individual desiring to serve as a Guardian ad Litem (GAL) in any matter pertaining to Adoptions, Family Law matters, Probates and Trusts, must be listed on the Guardian ad Litem (GAL) Registry maintained by the Lewis County Superior Court Administrator. A separate registry shall maintained by the Lewis County Juvenile Court Administrator for Title 13 GALS and Volunteer GALS, the program administered by the Juvenile Court.

The Court Administrator shall maintain and administer the GAL registries as provided herein and shall maintain application forms and background information records pertaining to each person applying to be listed on Title 11 and 26 registries. Persons listed on any registries shall reapply and provide additional background information annually by January 31. All application and background information, with the exception of personal identifying information in family law cases and pending complaints shall be available for public inspection.

Persons shall be selected to serve on each registry at the discretion of the Court, giving due consideration to: (1) having a sufficient number of GALS available to fulfill the requests of litigants for appointments; (2) achieving and maintaining diversity; and (3) retaining panels of persons with substantial experience and special knowledge with each

given field. In the event that more qualified applicants apply than may be needed or would benefit any of the separate programs, all applicants may not be selected for the registry.

The Court shall periodically sponsor or approve training programs which registry applicants shall be required to attend to maintain and improve their level of proficiency. Training programs may be cosponsored or offered by the State or County Bar Associations under the oversight of the Court or offered or sponsored by other counties under the oversight of their courts.

Each registry may be constituted periodically after an open application period has been publicly announced. The Court may allow additional applicants to be added to any registry periodically.

The Court Administrator may impose an application processing fee and may charge a fee for any and all training programs.

[Adopted September 1, 2002]

LRGAL 2.2
Specific Registry Requirements

A. Adoption Registry

Education and Experience Requirements:

a. Attorneys

- 1) Member of the Washington State Bar Association in good standing; and
- 2) Two years of experience in the practice of law including at least three (3) completed adoptions.

b. Non Attorneys

- 1) Bachelor level degree in any of the following fields: social work, psychology, counseling, nursing, medicine, or equivalent field or equivalent work or personal experience in the areas of child, adolescent or family counseling or casework; or
- 2) Certified by the State of Washington as a social worker, mental health therapist or marriage and family counselor, or licensed as a psychologist, nurse, or physician in good standing;

B. Guardianship Registry

Education and Experience Requirements

a. Attorneys

- 1) Member of the Washington State Bar Association in good standing; and
- 2) Minimum two years of practice of law.

b. Non Attorneys

- 1) Five years experience in the following: Needs of the impaired, elderly people, physical disabilities, mental illness, developmental disabilities, and/or other areas relevant to the needs of incapacitated persons; and
- 2) For initial placement on the registry, completion of any training required by RCW 11.88.090 as amended.

C. Family Law Registry

Education and Experience Requirements

a. Attorneys

- 1) Member of the Washington State Bar Association in good standing; and
- 2) Two years of experience in the practice of law including a minimum of 10 completed dependency and/or dissolution cases with children to include post-resolution custody modifications; or
- 3) Meet the requirements C (b) 1) or 2) below.

b. Non Attorneys

- 1) Bachelor level degree in any of the following fields: social work, psychology, counseling, nursing, medicine or equivalent field or equivalent work or personal experience in the areas of child, adolescent, or family counseling or casework; or
- 2) Certified by the State of Washington as a social worker, mental health therapist, or marriage and family counselor, or licensed as a psychologist, nurse, physician in good standing.

c. Parentage Cases/Out of State Guardian ad Litem

In RCW 26.26 actions, a relative of the minor mother or father may be appointed who has complied with the requirements of RCW 26.12.175 and who is otherwise suitable.

In RCW 26.33 actions involving the need for an out-of-state GAL, a non-registry GAL may be appointed so long as the appointed GAL complies with the requirements of RCW 26.12.

D. Training

1. For initial placement on the registries, all guardians shall Complete all training and continued training that is required by statute, State or County court rules.

E. Appointments

1. Guardianships: Any person listed on the registry may be agreed to by the parties or a party may serve a written request upon the Superior Court Administrator's office, who shall appoint a GAL whose name next appears on the registry on a rotational basis in accordance with RCW 11.88.090(3) (a) subject to that person's acceptance of the appointment.
2. Family Law: Absent a joint recommendation from the parties of a person listed on the family law registry who has been approved by the Court, the
3. GAL shall be appointed pursuant to RCW 26.12.177(2) (b) .
4. Adoptions: Any person listed on the adoption registry may be appointed upon stipulation of the parties and the agreement of the GAL to accept the case. Absent an agreement, the Court Administrator shall select the name of a GAL from the registry on a rotational basis, which GAL shall be appointed by the Court, subject to the GAL's agreement to accept the case.

F. Application

Each person requesting to be listed on any Guardian ad Litem registry shall annually submit an application on the current form provided by the Court and maintained by the Court Administrator.

[Adopted September 1, 2002]

LCGAL 2.4 Retention on Registries

1. Persons on the registries shall promptly inform the Court of any temporary unavailability to serve, or their intent to resign from the registry.
2. A person shall remain on the registry unless the person fails to maintain a current application with attachments or the person is removed or suspended because of the grievance procedure.
3. A person may be denied listing on, or may be temporarily suspended from the registry for any reason that places the suitability of the person to act as a GAL in question.
4. A GAL who ceases to be on the registry and who still has active or incomplete cases shall immediately report this circumstance to the Superior Court Administrator, who shall reassign such cases.
5. A person's retention on the registry shall be review upon the Court's receipt of a complaint regarding performance in office or the Court's receipt of adverse information regarding the suitability of a person serve as a GAL. Complaints shall be reviewed in accordance with the grievance procedure.

[Adopted September 1, 2002]

LMMR 1.
CHILD CUSTODY PROCEEDING DEFINED

For purposes of this rule, a child custody proceeding shall be defined as any proceeding before the court in which custody or visitation is contested, except Juvenile Court dependency proceedings.

[Adopted effective September 1, 2003]

LMMR 2.
FAMILY COURT SERVICES DEFINED

Family Court Services is defined as the agency under contract with the Board of County Commissioners to provide family court services.

[Adopted effective April 1, 1995.]

LMMR 3.
MEDIATION REQUIRED

Unless prohibited by law, all custody or visitation disputes shall be submitted to mandatory mediation before proceeding to trial. The mediation requirement may be waived by the Court for good cause shown. A motion for waiver shall be noted before the Court Commissioner. An Order Waiving Mediation shall be filed with the Court prior to the case being set for trial.

[Adopted effective September 1, 2003]

LMMR 4.
CONTINUING SUPERIOR COURT JURISDICTION

The requirement of mediation shall not prevent the Court or Court Commissioner from entering temporary orders.

[Adopted effective April 1, 1995.]

LMMR 4.2
DISCOVERY

In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the Civil Rules except that motions concerning discovery shall be determined by the arbitrator.

[Adopted effective November 6, 1992]

LMMR 5.
NOTING FOR MEDIATION AND TRIAL SETTING

Upon the filing of a Response to the Petition which contests child custody or visitation, making the proceeding subject to these rules, the Petitioner shall immediately note the proceeding for mandatory mediation and trial setting on forms prescribed by the Court. The form for mandatory mediation shall be entitled "Order to Transfer to Mandatory Mediation", shall be substantially in the form in Appendix A to these rules, and shall be signed by the attorney for each party and each party appearing pro se prior to presentation to the Court for approval. The form for trial setting shall be the standard Notice of Issue available in the Lewis County Clerk's Office.

The refusal by an attorney or pro se party to sign the Order to Transfer to Mediation shall not delay a transfer to Family Court Services or trial setting. Such refusal to sign shall be noted on the Order to Transfer to Mandatory Mediation.

[Adopted effective September 1, 2003]

LMMR 6.
APPOINTMENT OF MEDIATOR

(1) A list of Family Court Services mediators shall be available upon request. If the parties reach an agreement as to the mediator, the stipulation shall be noted on the Order to Transfer to Family Court Services for Mediation. In the absence of a stipulation the court will appoint the mediator.

(2) The appointment of a mediator is subject to the right of that person to refuse to serve. A mediator shall provide prompt notification if refusing to serve. Refusal to serve shall be based upon any grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(C) governing disqualification of judges.

(3) Notice of Appointment shall be mailed to each counsel or party. Mediation shall commence within three (3) weeks from the date of appointment unless otherwise agreed to by the parties and the mediator, and shall be completed within forty-five (45) days of the appointment of the mediator.

[Adopted effective April 1, 1995.]

LMMR 7.
AUTHORITY OF MEDIATOR

Family Court Services shall determine the time and place of mediation. In appropriate cases, the mediator shall determine the duration of mediation and have the authority to terminate the mediation prior to completion.

[Adopted effective April 1, 1995.]

LMMR 8.
ATTENDANCE

Mediation sessions shall normally include the parties only, but may, by agreement of the parties, include other persons. Attendance at mediation sessions is mandatory.

[Adopted effective April 1, 1995.]

LMMR 9.
DECLARATION OF COMPLETION

Within seven (7) days of completion, a Certificate of Mediation Completion shall be filed by the mediator. Counsel and the parties shall be advised by the mediator, on a separate document attached to the Certificate of Mediation Completion, of the results and recommendations of the mediator.

[Adopted effective April 1, 1995.]

LMMR 10.
PAYMENT

Family Court Services shall be paid equally by the parties, unless either or both parties are declared to be indigent or partially indigent. Financial declarations shall be executed by each party and a Court determination of the financial status shall be made prior to the commencement of mediation for consideration of indigency. Judgment for reimbursement of mediation fees to Lewis County may be entered in the discretion of the Court.

[Adopted effective April 1, 1995. Amended effective September 1, 2003.]

LMMR 11.
MEDIATION UNSUCCESSFUL

If the parties fail to reach an agreement in mediation, an investigation may be ordered. The investigator shall not be the same person who mediated the case. Upon completion of the investigation, written recommendations shall be filed with the court.

[Adopted effective April 1, 1995.]

LMMR 12.
CONFIDENTIALITY

The work product of the mediator and all communications during mediation shall be privileged and not subject to compulsory disclosure. The mediator shall not appear or testify in any court proceedings.

[Adopted effective April 1, 1995.]

LMAR 1.1
APPLICATION OF RULES- PURPOSE AND DEFINITIIONS

(a) Purpose. The purpose of mandatory arbitration of civil actions under RCW 7.06 as implemented by the Mandatory Arbitration rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims of \$50,000.00 or less. Claims in which the sole relief sought is the establishment, modification or termination of maintenance or child support payments shall not be subject to mandatory arbitration unless stipulated to in writing by the parties or otherwise ordered by the court. The Mandatory Arbitration rules as supplemented by these local rules are not designed to address every question, which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

(b) Administration. The arbitration department shall consist of the County Clerk, the Court Administrator or Assistant Court Administrator, or such other person designated by the Superior Court Judges. The arbitration department shall supervise arbitration under these rules and perform any additional duties, which may be delegated.

[Adopted effective November 6, 1992; Amended effective October 1, 1994, amended effective September 1, 2007]

LMAR 1.3
RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER
RULES-MOTIONS

All motions before the court relating to mandatory arbitration shall be noted on the civil motions calendar except as otherwise provided in these arbitration rules.

[Adopted effective November 6, 1992.]

LMAR 2.1
TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. In every civil case the party filing the note for trial assignment shall upon the form provided by the court, complete a statement of arbitrability, and serve it upon opposing counsel or party, if not represented by counsel. Prior to the trial-setting date, any party disagreeing with the statement of

arbitrability or willing to stipulate to arbitration shall serve and file a response to the statement of arbitrability as filed, upon the form prescribed by the court. In the absence of such a response, the statement of arbitrability shall be deemed correct, and the case shall be set for arbitration. Cases transferred to the arbitration calendar shall be stricken from the trial calendar. Unless otherwise ordered by the court, no trial date shall be assigned in cases, which are subject to arbitration.

If a party asserts that its claim exceeds \$50,000.00, or seeks relief other than a money judgment, the case is not subject to arbitration, except by stipulation.

(b) Failure to file-amendments. A party failing to serve and file an original response within the time prescribed may do so later only upon leave of court. A party may amend the statement of arbitrability or response thereto at any time prior to assignment of an arbitrator or assignment of a trial date and thereafter only by leave of court for good cause shown.

[Adopted effective November 6, 1992, amended effective September 1, 2007]

VI. AWARD

LMAR 6.1 FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on the form prescribed by the court.

(b) Return of Exhibits. When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

[Adopted effective November 6, 1992.]

VII. GENERAL PROVISIONS

LMAR 8.1 STIPULATIONS-EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation and order of the court, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

[Adopted effective November 6, 1992.]

LMAR 8.4
TITLE AND CITATION

These rules are known and cited as the Lewis County Superior Court Mandatory Arbitration Rules. LMAR is the official abbreviation.

[Adopted effective November 6, 1992.]

LMAR 8.6
COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Superior Court; provided, however, that said compensation shall not exceed \$500.00 for any case unless prior approval is granted by the Presiding Judge. The Presiding Judge shall determine the amount of compensation to be paid. No county payment shall be made unless and until funding is provided by the Lewis County Commissioners.

[Adopted effective November 6, 1992.]

LMPSR 1.1
PARENTING SEMINARS

- A. The parents, petitioners, and respondents shall complete a parenting seminar approved by the Court in all cases filed under RCW Chapters 26.09, 26.10, and 26.26, which require a parenting or residential plan or custody order for minor children, including marital dissolutions, legal separations, paternity residential plans, non-parent custody actions, any action where one or both of the parties is under the age of eighteen (18) years, and any action in which the Court makes a discretionary finding that a parenting seminar would be in the best interest of the children. The Court may also order additional persons involved in the parenting of the minor children to attend the parenting seminar.
- B. Major Modifications of Parenting/Residential Plans or Custody Orders: All parents, petitioners, and respondents involved in a major modification of a parenting or residential plan or custody order need to have attended the parenting seminar at least once since the original case was filed before the court will enter modified parenting or residential plans or custody orders. A

copy of the attendance certificate shall be filed with the Clerk of the Court.

[Adopted effective September 1, 1995; Amended effective September 1, 2007]

LMPSR 2.1
TIME OF ATTENDANCE

All parties required by this rule to participate in a parenting seminar shall complete a Court approved seminar within sixty (60) days of filing of the action if the party is the Petitioner, or sixty (60) days of filing an appearance or a response, whichever is first, if the party is the Respondent. In paternity actions wherein the State of Washington is the Petitioner, attendance shall be required within sixty (60) days after paternity has been established and a parenting plan has been requested. In all cases in which attendance is ordered by the Court and not mandated by this rule, the parenting seminar shall be completed within sixty (60) days of the date of the court order being entered.

(Adopted effective September 1, 1995)

LMPSR 2.2
CERTIFICATION OF COMPLETION

Successful completion of the seminar shall be evidenced by a certificate of attendance provided by the person or agency providing the seminar and filed with the Court.

(Adopted effective September 1, 1995)

LMPSR 3.1
FEES

Every party attending a parenting seminar shall pay the fee charged by the Court approved provider. The provider may waive the fee for an indigent party.

(Adopted effective September 1, 1995)

LMPSR 4.1
SPECIAL CONSIDERATION/WAIVER

- A. In no case shall opposing parties be required to attend a parenting seminar together.
- B. Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191(1), or upon a showing that a parent's attendance at a seminar is not in the children's best interest pursuant to RCW Chapter 26.12, the Court shall either (1) waive the requirement of completion of the seminar, or (2) allow participation in an alternative voluntary parenting seminar for battered spouses.
- C. The Court may waive the seminar requirement for good cause shown.

(Adopted effective September 1, 1995)

LMPSR 5.1
FAILURE TO COMPLY/SANCTIONS

Willful failure to participate or willful delay in completion of a parenting seminar by any party may constitute contempt of Court and result in sanctions, including, but not limited to, imposition of monetary terms, striking of pleadings, or denial of affirmative relief to a party not in compliance with these rules. Nonparticipation or default by one party does not excuse participation by any other party. Refusal, delay or default by a Respondent will not delay the action. Petitioner's refusal or delay shall prevent the case from being set for trial or the entry of any final order concerning a parenting/residential plan or custody order, except in cases where there is a co-petitioner or counter petitioner who is in full compliance. Other than one motion made by either party for temporary orders that is filed within sixty (60) days of the filing of a petition requesting a parenting plan, residential plan or custody order, neither Petitioner nor Respondent shall be allowed to continue to seek affirmative relief in the pending action or any subsequent action between the same parties until the seminar has been successfully completed and a copy of the attendance certificate is filed with the Clerk of the Court. Agreement by the parties as to a final order on a parenting plan, residential plan, or custody order shall not excuse participation in the seminars by both parties. The Court may waive the seminar requirement for good cause shown.

[Adopted effective September 1, 1995; Amended effective September 1, 2007]

STANDARDS

Standards for parenting seminars shall be established by the Court and all providers shall be approved by the Court.

(Adopted effective September 1, 1995)

A ORDER TO TRANSFER TO MANDATORY MEDIATION (ORTF)

The contents of this item are only available [on-line](#).
